

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Keven Saunders, Tony Moy, Eric Orman,
Michael Barylski, and Grant Moellering,
individually and on behalf of others similarly
situated,

Civil No. 05-1437 (DWF/JSM)

Plaintiff,

v.

ORDER

Ace Mortgage Funding, Incorporation,
and Richard M. Hall,

Defendants.

Michele R. Fisher, Esq., Paul J. Lukas, Esq., Donald H. Nichols, Esq., and Rachhana T. Srey, Esq.,
Nichols Kaster & Anderson PLLP; and Marguerite M. Longoria, Esq., and Sam J. Smith, Esq., Burr &
Smith, LLP, counsel for Plaintiffs.

R. Anthony Prather, Esq., and Shannon M. Shaw, Esq., Barnes & Thornburg, LLP; and Robert R.
Reinhart, Esq., Dorsey & Whitney, LLP, counsel for Defendants.

The above-entitled matter came before the undersigned United States District Court Judge on
October 17, 2005, pursuant to a Motion for Conditional Certification, Judicial Notice, an Equitable
Tolling brought by Plaintiffs Keven Saunders, Tony Moy, Eric Orman, Michael Barylski, and Grant
Moellering, individually and on behalf of others similarly situated, ("Plaintiffs"), and a Motion to
Transfer brought by Defendants Ace Mortgage Funding, Incorporation, and Richard M. Hall
("Defendants"). In their Complaint, Plaintiffs allege violations of the Fair Labor Standards Act
("FLSA"), 29 U.S.C. §§ 201, *et seq.*

The Court denies Defendants' Motion to Transfer and will send Judicial Notice to the putative class members. In the interest of justice, the Court will send the notice as soon as possible in order to minimize prejudice to potential class members who may be precluded from joining the lawsuit under the statute of limitations. The Court has attached a Proposed Judicial Notice that the Plaintiffs may send on or after Tuesday, November 9, 2005. If there are objections to the content of the notice, the parties should submit objections in writing by Friday, November 5, 2005. A memorandum opinion and order will follow.

Accordingly, **IT IS HEREBY ORDERED THAT:**

1. Defendants' Motion to Transfer (Doc. No. 29) is **DENIED**;
2. Plaintiffs' Motion for Conditional Certification, Judicial Notice, and Equitable Tolling (Doc. No. 12) is **GRANTED** in part and **DENIED** in part.

Dated: October 31, 2005

s/Donovan W. Frank
DONOVAN W. FRANK
Judge of United States District Court